IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1015 OF 2006

Three Wheeler Tempo Rickshaw
Chalak Malak Sangh .. Petitioner
V/s
The State of Maharashtra & Ors. .. Respondents

Mr.S.M.Oak with Ms.Nayana Thatte for the Petitioner.
Mr.R.D.Rane, Govt.Pleader for Respondent No.1.
Mr.R.M.Sawant for Respondent No.2.

CORAM: DR.S.RADHAKRISHNAN &
V.M.KANADE, JJ.

DATE : 21st August, 2006.

P.C.:

1. Heard the learned Counsel for the Petitioner and the learned Govt.Pleader for the Respondents. We have perused the Government Notification dated 9th August, 2005 which makes it clear that the Auto Rickshaws having the carriage capacity of three passengers excluding the driver are exempted from paying the toll, whereas the Auto Rickshaws having the carriage capacity upto 12 passengers excluding the driver will be liable to pay the toll. We have also perused the earlier Government Circular dated 26th August, 2003 and clause 11(4) of the said Circular makes it clear that the Auto Rickshaws having carriage capacity of three passengers excluding the driver need not pay the toll, however the Auto Rickshaws carrying more than three passengers excluding the driver or carrying any material or goods shall be liable to pay the toll.

2. Under these circumstances, we do not find any merit in this Petition. While issuing the aforesaid Noticications/Circulars, the Government has exercised

its power under Section 20 of the Bombay Motors Vehicles Tax Act. Petition is totally devoid of any merits. Hence, the Petition stands dismissed.

(DR.S.RADHAKRISHNAN, J.)

(V.M.KANADE, J.)